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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/748,513 | 12/26/2000 | Shiro Miyagi | 450100-02913 | 4108 |
| 20999 | 7590 | 05/06/2004 | EXAMINER | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | VU, NGOC YEN T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | 8 |
| DATE MAILED: 05/06/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,513

Applicant(s)

MIYAGI ET AL.

Examiner

Ngoc-Yen T. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement, filed 12/09/2002, has been placed in the application file, and the information referred to therein has been considered as to the merits.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it is longer than 250 words..

Correction is required. See MPEP § 608.01(b).

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni (US 6,133,947) in view of Murphy et al. (US #6,282,362).

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Regarding claim 1, Mikuni teaches a digital photographing apparatus, portably structured (Figs. 12-13), for recording a photographed digital picture signal to a record medium (RAM 10) and reproducing a digital picture signal from the record medium, comprising:

photographing means (CCD 4 and interface circuit 6) for photographing a picture and outputting a picture signal (col. 4 lines 18-67);

signal processing means (CPU 42) for processing the picture signal supplied from said photographing means (col. 11 lines 8-58);

position information obtaining means (GPS 44-46) for obtaining position information;

displaying means (Figs. 12-13, display 8) for displaying the digital picture signal supplied from said signal processing means;

recording means (CPU 42) for recording the digital picture signal supplied from said signal processing means and the position information supplied from said position information obtaining means to the record medium (col. 7 line 28 – col. 8 line 35; col. 11 line 8 – col. 13 line 21);

reproducing means (CPU 42) for reproducing the digital picture signal and the position information from the record medium (col. 8 line 36 – col. 9 line 31; col. 11 line 8 – col. 13 line 21)

map information obtaining means (Fig. 12, CD ROM 35 and player circuit 34/30) for obtaining map information (col. 12 line 66 – col. 13 line 21; col. 14 lines 1-65);

table creating means (CPU 42) for creating a table for the reproduced position information (see Figs. 7, 9, 10; CPU inherently creates a table for captured images along with their positional information);and

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controlling means (CPU 42) for referencing the table for the position information and displaying the position information and the map information to said displaying means (see Figs. 7, 9, 10 and 17).

Claim 1 differs from Mikuni in that the claim further requires the controlling means display an icon corresponding to the position information and the map information to the display means. However, it is well known in the art to display icons on the map corresponding to the geographical locations of the corresponding captured images, as taught in Murphy (See Fig. 1, icons 260-280; col. 10 lines 22-65; col. 11 lines 21-65). In light of the teaching in Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display an icon corresponding to the position information and the map information in order to easily link between geo-addressed image data and one or more geo-addressed features or locations on a digital map.

As to claim 2, Mikuni, as modified by Murphy, teaches that when the digital picture signal and the position information are recorded, the digital picture signal supplied from said signal processing means is recorded as a picture file to the record medium and the obtained position information is recorded to a part of the picture file recorded on the record medium (see Mikuni, Fig. 4).

As to claim 3, Mikuni, as modified by Murphy, teaches that when the digital picture signal and the position information are recorded, the digital picture signal supplied from said signal processing means is recorded as a picture file to the record medium and the obtained position information is recorded as a position information file that is linked to the picture file (Murphy, col. 9 line 27 – col. 10 line 21; col. 11 line 21 –col. 12 line 47).

As to claim 4, Mikuni, as modified by Murphy, teaches that wherein the position information is position information of a position at which the picture was photographed (Mikuni; col. 11 line 8 – col. 12 line 20) (Murphy, col. 9 line 27 – col. 10 line 21; col. 11 line 21 –col. 12 line 47).

As to claim 5, Mikuni, as modified by Murphy, teaches position measuring means for obtaining the position information of the position at which the picture was photographed (Mikuni; col. 11 line 8 – col. 12 line 20) (Murphy, col. 9 line 27 – col. 10 line 21; col. 11 line 21 –col. 12 line 47).

As to claim 6, Mikuni, as modified by Murphy, teaches that wherein the map information is obtained from the same record medium as that from which a digital picture signal and position information are reproduced (Mikuni, col. 14 lines 51-58).

As to claim 7, Mikuni, as modified by Murphy, teaches that wherein the map information contains range information that represents the range of the map along with map data (Mikuni, col. 9 line 66 – col. 10 line 38) (Murphy, col. 3 line 66 – col. 4 line 9).

As to claim 9, Mikuni, as modified by Murphy, teaches that wherein when the icon is selected, a picture corresponding to the position information of the selected icon is displayed on said displaying means (See Murphy, Fig. 1, icons 260-280; col. 10 lines 22-65; col. 11 lines 21-65).

6. Claims 8, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni '947 in view of Murphy '362, as applied to claim 1 above, and further in view of DeLorme et al. (US #5,848,373).

As to claim 8, Mikuni, as modified by Murphy, teaches that wherein an icon corresponding to the position information in the range of the map is displayed (See Murphy, Fig. 1, icons 260-280; col. 10 lines 22-65; col. 11 lines 21-65). Claim 8 differs from Mikuni and Murphy in that the claim the icon is displayed with reference to the range information. However, it is well known in the art to display an icon corresponding to the position information in the range of the map with reference to the range information, as taught in DeLorme (col. 8 line 66 – col. 9 line 43). In light of the teaching in DeLorme, it would have been obvious to one of ordinary skill in the art to modify the apparatus taught in Mikuni and Murphy by displaying an icon corresponding to the position information in the range of the map with reference to the range information so as to facilitate visual orientation by the user.

As to claim 10, Mikuni, as modified by Murphy and DeLorme, teaches that wherein a selection range for selecting an icon is designated at a part of a displayed map and a desired icon is placed in the selection range (See Murphy, Fig. 1, icons 260-280; col. 10 lines 22-65; col. 11 lines 21-65) (DeLorme, col. 8 line 66 – col. 9 line 43).

As to claim 11, Mikuni, as modified by Murphy and DeLorme, teaches that wherein a map that is displayed is enlarged or reduced so as to place the icon in the selection range (DeLorme, col. 13 lines 31-52).

As to claim 12, Mikuni, as modified by Murphy and DeLorme, teaches that wherein a picture that is displayed is scrolled so as to place the icon in the selection range (DeLorme, col. 13 lines 31-52).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen T. Vu whose telephone number is 703-305-4946. The examiner can normally be reached on Mon. – Fri. from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NGOC-YEN VU
PRIMARY EXAMINER
Art Unit 2612

NYV
04/30/2004